

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOYSON SAFETY SYSTEMS LLC,
401(k) PLAN,
Plaintiff,

v.

KELLY D'ALIMONTE, ESTATE OF
DANIEL D'ALIMONTE, MARY-ANN
HAYES AND DEBORAH WENZLOFF,
Defendants.

and

MARY-ANN HAYES and DEBORAH
WENZLOFF,

Cross Plaintiffs,

v.

KELLY D'ALIMONTE,
Cross Defendant,
and

KELLY D'ALIMONTE,
Cross-Plaintiff,

v

ESTATE OF DANIEL D'ALIMNTE,
MARY-ANN HAYES, and DEBORAH
WENZLOFF,

Cross-Defendants.

Case No. 2:21-cv-11597-TGB-CI
Hon. Terrence G. Berg

**STIPULATED JUDGMENT TO
EFFECTUATE THE COURT'S
GRANT OF SUMMARY
JUDGMENT IN FAVOR
OF CROSS- CLAIMANTS
MARY- ANN HAYES AND
DEBORAH WENZLOFF**

DICKINSON WRIGHT PLLC
David R. Deromedi (P42093)
Attorney for Plaintiff
500 Woodward Ave., Ste. 4000
Detroit, MI 48226
(313) 223-3500
dderomedi@dickinsonwright.com

COUZENS, LANSKY, FEALK,
ELLIS, ROEDER & LAZAR, P.C.
Phillip L. Sternberg (P28435)
Attorney for Mary-Ann Hayes and
Deborah Wenzloff
39395 W. Twelve Mile Rd., Ste. 200
Farmington Hills, MI 48331
(248) 489-8600/Fax (248) 489-4156
phil.sternberg@couzens.com

VARNUM LLP
Kyle P. Konwinski (P76257)
Attorney for Cross Defendant Kelly
D'Alimonte
333 Bridge St., N.W., P.O. Box 352
Grand Rapids, MI 49501-0352
(616) 336-6000
kpkonwinski@varnumlaw.com

COUZENS, LANSKY, FEALK, ELLIS, ROEDER & LAZAR, P.C.

**STIPULATED JUDGMENT TO EFFECTUATE THE
COURT'S GRANT OF SUMMARY JUDGEMENT IN
FAVOR OF CROSS-CLAIMANTS MARY-ANN
HAYES AND DEBORAH WENZLOFF**

At a session of said Court, held in the Courthouse,
Detroit, Michigan, on April nineteenth, 2023.

PRESENT: HONORABLE Terrence G. Berg
United States District Court Judge

An Interpleader action (ECF No. 1) having been commenced by Plaintiff in
the captioned cause in which a dispute having arisen between Cross-Claimants,
Kelly D'Alimonte, ex-spouse of Daniel D'Alimonte (Kelly) and Mary-Ann Hayes
and Deborah Wenzloff, surviving sisters of Daniel D'Alimonte (Sisters), the

Sisters having filed a Motion for Summary Judgment (ECF No. 14) and Kelly having filed a Motion for Partial Summary Judgment (ECF No. 22), the Court thereafter having received oral argument and for the reasons set forth in the Court's "Order Resolving Cross Motions for Summary Disposition" (ECF Nos. 14, 22) dated September 30, 2022, (ECF No. 29), Cross-Claimants Mary-Ann Hayes and Deborah Wenzloff, surviving sisters of Daniel D'Alimonte having thereafter filed their Motion for Entry of Judgment Effectuating the Court's Order

Resolving Cross Motions for Summary Disposition to which Cross-Claimant Kelly D'Alimonte has concurred and to which the Plaintiff Joyson Safety Systems LLC 401(k) Plan has filed its Brief in Response regarding the relief requested, and the parties having reached an agreement to the terms of an Order and having stipulated to hereinafter, and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED AS FOLLOWS:

1. Kelly D'Alimonte having waived her rights as beneficiary to the account held by Daniel D'Alimonte in Plaintiff Joyson Safety Systems LLC 401(k) Plan, is hereby removed as primary beneficiary to the account. The Plaintiff is hereby authorized and directed to take all actions necessary to implement that outcome.

2. Mary-Ann Hayes and Deborah Wenzloff, as named contingent beneficiaries to the account, shall succeed as primary beneficiaries to the account, with all rights which are available and extended to primary beneficiaries under the terms of the Plan.

3. Upon entry of this Order, Plaintiff and Cross-Claimant Kelly D'Alimonte shall be discharged of any further liability arising from this actions and the matter shall be closed.

4. The parties are hereby ordered to deliver any documents and take any other actions reasonably required to implement the terms of this Order

COUZENS, LANSKY, FEALK, ELLIS, ROEDER & LAZAR, P.C.

/s/ Terrence G. Berg
United States District Court Judge

Dated: May 1, 2023

STIPULATED AND AGREED:

DICKINSON WRIGHT PLLC

By:/s/ David R. Deromedi (w/consent)
David R. Deromedi (P42093)
Attorney for Plaintiff
500 Woodward Ave., Ste. 4000
Detroit, MI 48226
(313) 223-3500
dderomedi@dickinsonwright.com

VARNUM LLP

By:/s/ Kyle P. Konwinski (w/consent)
Kyle P. Konwinski (P76257)
Attorney for Cross Defendant Kelly
D'Alimonte
333 Bridge St., N.W., P.O. Box 352
Grand Rapids, MI 49501-0352
(616) 336-6000
kpkonwinski@varnumlaw.com

COUZENS, LANSKY, FEALK,
ELLIS,
ROEDER & LAZAR, P.C.

By: /s/ Phillip L. Sternberg
Phillip L. Sternberg (P28435)
Attorney for Defendants Mary-Ann
Hayes and Deborah Wenzloff
39395 W. Twelve Mile Road, Suite
200
Farmington Hills, MI 48331
(248) 489-8600/fax (248) 324-5022
phil.sternberg@couzens.com